

**From:** [Grantham, Nancy](#)  
**To:** [Gray, David](#)  
**Subject:** FW: Morning Energy: Zinke defiant amid helicopter controversy — Perry grants FERC more time in grid resiliency push — Enforcement slips dramatically at EPA in first months of Trump term  
**Date:** Monday, December 11, 2017 5:41:16 AM

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**From:** POLITICO Pro Energy [mailto:politicoemail@politicopro.com]  
**Sent:** Monday, December 11, 2017 5:43 AM  
**To:** Grantham, Nancy <Grantham.Nancy@epa.gov>  
**Subject:** Morning Energy: Zinke defiant amid helicopter controversy — Perry grants FERC more time in grid resiliency push — Enforcement slips dramatically at EPA in first months of Trump term

By Anthony Adragna | 12/11/2017 05:41 AM EDT

*With help from Alex Guillén*

**LASHING OUT:** Taking a cue from his boss, Interior Secretary Ryan Zinke continues to bash Patagonia and "the DC media" amid the latest wave of headlines. Reports that Zinke spent more than \$14,000 for government helicopters so he could attend events in D.C., including to go horseback riding with Vice President Mike Pence, were "total fabrications and a wild departure from reality," the Interior secretary wrote in a [statement](#) on Twitter Saturday, without providing any new facts to contradict POLITICO's initial [report](#), which was based on Interior Department [travel logs](#). "All of these instances were thoroughly vetted and scrutinized before being approved by the department's career ethics officers and solicitors," he said in a posted Saturday. "We will continue to use government resources efficiently." More from Pro's Ben Lefebvre [here](#).

**That came after** Sen. [Maria Cantwell](#), top Democrat on the Energy and Natural Resources called for the agency's inspector general to add the trips to its ongoing probe of Zinke's travel habits: "If the Secretary misused public funds, he should write the treasury a check for the full amount and apologize," she said in a statement.

**Questions, meanwhile, have arisen** after Zinke and the Trump administration repeatedly attacked Patagonia, which filed a lawsuit challenging the decision to downsize Bears Ears National Monument in Utah. Zinke, in a Friday [appearance](#) on "Fox News," bashed the company by name as "made in China" and said Patagonia "should focus on how to bring manufacturing back into this country rather than lying to the public about losing federal land." (The House Natural Resources Committee made their [own jab](#)).

**That prompted Walter Shaub**, former director of the U.S. Office of Government Ethics, to urge the company to explore its legal options. "I don't know if there's any legal recourse, but I

hope Patagonia has a law firm research the issue," he [tweeted](#). "The federal govt officially and publicly calling a company a liar for political reasons is a bizarre and dangerous departure from civic norms. It's also decidedly anti-free market." And he [added](#) later Saturday: "Zinke is the poster child for this lawless administration's misuse of governmental authority & resources. His thuggish interference with a business is outside the scope of his duties, raising a question as to whether a sovereign immunity defense might fail if @patagonia sues."

**Speaking of monuments,** the uranium company Energy Fuels Resources lobbied the Trump administration to trim Bears Ears, the Washington Post [reports](#). Zinke and Utah Republicans repeatedly insisted that mining and drilling considerations played no role in the decision.

**One more thing:** The FEC fined Zinke's congressional campaign committee \$3,929 for failing to properly disclose contributions it received just before the 2016 election, Ben also [reports](#), citing commission [documents](#).

**WELCOME TO MONDAY!** Hope everyone in the Washington area enjoyed the first flakes of winter on Saturday! I'm your host Anthony Adragna, and Safer Chemicals Healthy Families' Liz Hitchcock was first to guess that 31 states (plus D.C.) have at least one national monument. For today: Just three presidents never used their authority under the Antiquities Act to designate a national monument since the program begun. Who are they? Send your tips, energy gossip and comments to [aadragna@politico.com](mailto:aadragna@politico.com), or follow us on Twitter [@AnthonyAdragna](#), [@Morning\\_Energy](#) and [@POLITICOPro](#).

**SEE YOU IN JANUARY:** FERC now has until Jan. 10 to take final action on DOE's grid resiliency proposal that would prop up coal and nuclear plants after Energy Secretary Rick Perry granted the commission an extra 30 days late Friday, Pro's Eric Wolff [reports](#). In [a letter](#), Perry said that he preferred a faster outcome but would allow the extra time [requested](#) by new FERC chairman Kevin McIntyre hours after being sworn in.

**DOE spokeswoman Shaylyn Hynes:** "Secretary Perry understands and respects the reasons for the Chairman's request and looks forward to swift action from the Commission to promptly address grid security."

**Eric reads the tea leaves** and [reports](#) the extension could indicate there's no consensus among the five commissioners on what to do. The commission is unlikely to either fully reject or adopt outright the proposal from Perry that calls for power plants that keep 90 days of inventory on site to receive full cost recovery, but could try to split the difference. Observers think FERC could call for a technical conference, or opt for a plan reportedly being considered by Commissioners Cheryl LaFleur and Rob Powelson to close the current DOE docket and open a new one that seeks input from grid managers.

**Though his company** told Eric they'd "defer" to Perry's judgement, coal magnate Robert Murray [told](#) The Washington Examiner he was deeply disappointed by the delay in considering Perry's plan. "We must have it. The 30-day delay is disappointing. I am concerned. It needs immediate action," he said. Remember Murray, a big Trump backer, [had early access](#) to Perry and other administration officials to push his ideas to save the struggling coal sector.

**And long-time former FERC staffer** (and now consultant) Alison Silverstein summed it up to [The Washington Post](#): "The secretary's proposal seems to me to be unsupported by facts of any kind."

**TROUBLING SIGNS ON ENFORCEMENT:** EPA Administrator Scott Pruitt's agency has been far more lenient on enforcement actions during its first nine months than either the Obama or George W. Bush administrations, according to [analysis](#) conducted by the New York Times. The 1,900 civil cases started during the first nine months of Trump era are one-third fewer than under Lisa Jackson and one-quarter fewer than George W. Bush's first months, according to the Times. Pruitt's agency has sought \$50.4 million in civil penalties to date, just 39 percent of what the Obama administration sought and about 70 percent of what the Bush administration sought. And the agency hasn't forced companies to retrofit their facilities to prevent pollution as much: the \$1.2 billion in injunctive relief sought under Pruitt is just 12 percent of what was sought under Obama and 48 percent under Bush.

**In addition,** enforcement staff must now seek permission from Washington before ordering certain air and water pollution tests, according to [documents](#) obtained by The Times. "Certain people who are polluting are doing it with impunity right now and I think it is horrible," Nicole Cantello, an EPA lawyer in Chicago, said.

**EPA responds:** The agency told the Times it focuses "more on bringing people back into compliance than bean counting." In a statement Sunday, EPA said "Pruitt has not directed EPA staff to decrease their enforcement efforts," and questioned the Times methodology. "EPA and states work together to find violators and bring them back into compliance, and to punish intentional polluters. As part of this effort, we are collaborating more with states and we are focusing more on outcomes. Unless the activity is criminal, we focus more on bringing people back into compliance," the agency said.

**QUITE THE PREDICTION!** Speaking at his rally in Florida Friday, Trump promised the U.S. would be "totally self-sufficient" on the energy front by the end of the year and suggested using profits from energy exports to "start paying off our \$20 trillion in debt." The International Energy Agency [has said](#) that "by the mid-2020s, the United States [could] become the world's largest liquefied natural gas (LNG) exporter and a few years later a net exporter of oil" though still a major importer of some types.

**CALIFORNIA'S 'NEW NORMAL':** Devastating wildfires still ablaze in Southern California have been exacerbated by impacts from climate change, California Gov. Jerry Brown said at a press conference, according to the [Los Angeles Times](#). "This could be something that happens every year or every few years," Brown said. "We're about to have a firefighting Christmas." During a Sunday interview on "60 Minutes," Brown bemoaned that Trump doesn't have a "fear of the wrath of God" and offered him some advice with regards to the Paris agreement: "Take a deeper look now is not the time to undo what every country in the world is committed to," POLITICO's Brent D. Griffiths [reports](#).

**SEE YOUTH IN COURT!** The 9<sup>th</sup> Circuit Court of Appeals will hear arguments today over whether a lower court should be allowed to hear a novel lawsuit brought by children and young adults using a public trust doctrine argument to try to force the federal government to take drastic action to reduce greenhouse gas emissions. This litigation is simply over whether the lower court can even hear this case, not the ultimate outcome of any such litigation. A federal judge in Oregon previously ruled the case could at least go to the trial phase, although many legal observers believed the suit was still a long shot. But the Trump administration asked the 9<sup>th</sup> Circuit to step in early and block the proceedings on the grounds that the judicial branch is not supposed to answer such sweeping questions about environmental policy, a job it says should be left to Congress and the executive branch. Watch a video livestream of the

hearing [here](#) starting at 1 p.m. EST (10 a.m. PST).

**The case could get even more attention** because of one of the three judges assigned to the panel: Alex Kozinski, a Reagan appointee. The Washington Post on Friday [reported](#) that six former clerks or staffers said Kozinski "subjected them to a range of inappropriate sexual conduct or comments," including allegedly viewing pornography in his chambers. Kozinski later [told the Los Angeles Times](#), "If this is all they are able to dredge up after 35 years, I am not too worried." Also on the panel are Chief Judge Sidney Thomas and Judge Marsha Berzon, both Clinton appointees.

**21 (SUPERFUND) SHOTS:** EPA on Friday released [a list](#) of 21 Superfund sites, ranging from Rhode Island to California to Oklahoma, that it's targeted for "immediate and intense action," Pro's Emily Holden [reports](#). Those top-tier polluted properties include: the San Jacinto Superfund site in the Houston area, which was damaged by flooding during Hurricane Harvey; the West Lake Landfill in Missouri that contains radioactive waste from the Manhattan Project and is next to another site with a long-burning underground fire and the East Chicago, Ind. site Pruitt visited earlier this year. "The Administrator will receive regular updates on each of these sites," the agency said.

**BARRASSO LANDS A CHALLENGER:** Democratic businessman Gary Trauner, who narrowly lost a bid for Wyoming's lone House seat in 2006, announced he'd challenge incumbent Sen. [John Barrasso](#) on Friday, Wyoming Public Radio [reports](#). "The system is rigged, D.C. is broken, and that's why people aren't getting ahead anymore," he said in his [introductory video](#). He'll, of course, face long odds against the popular incumbent in the deep red state.

**FLOOR WATCH:** A trio of energy-related bills are due to hit the House floor Tuesday under suspension. One of them [H.R. 2872 \(115\)](#) would ask FERC to create procedures for expediting hydropower permitting at existing non-federal dams without hydroelectric facilities. Another [H.R. 2880 \(115\)](#) would aim to speed the approval FERC of closed loop pumped storage projects. And there's a bill [H.R. 1733 \(115\)](#) requiring the government to issue a report on the environmental and energy-related benefits of re-refining used lubricating oil.

**MOVING OUT (WEST)?** Two Colorado Democrats — [Ed Perlmutter](#) and [Jared Polis](#) — are backing calls from their fellow Republicans to move the headquarters of BLM out West, according to [a report](#) in Western Wire, a project of the Western Energy Alliance. "I know the perfect home for the agency: Colorado," Polis, who's running for governor, said. "We would welcome the BLM with open arms. With the agency closer to the vast public lands we all cherish and share, they would have better insight into what the lands mean to the western way of life. It makes perfect sense to have the agency nearby."

**HEADED TO PUERTO RICO:** The electric industry sent seven different teams to Puerto Rico over the weekend where each of them will head to a separate part of the devastated island to support power restoration efforts. Members of the American Public Power Association, the Edison Electric Institute and the National Rural Electric Cooperative Association will help the Puerto Rico Electric Power Authority and the U.S. Army Corps of Engineers get the lights back on. Months after a hurricane slammed into the island, the government [says](#) less than 60 percent of electric capacity has been restored.

**That comes as the New York Times [reports](#)** the death toll on the island may actually be well over 1,000 rather than official count of 64.

**TAKE A GLANCE!** The Center for American Progress is out with a [new analysis](#) this morning warning of significant damage to wildlife like polar bears, migratory birds and caribou if ANWR is opened up as part of the Republican tax package.

**What about Paris?** A collection of environmental groups, including BankTrack and Rainforest Action Network, find in a new report that some \$600 million has been processed by commercial banks since the Paris accord was signed that has gone to the top 120 companies planning to build new coal plants. Chinese and Japanese banks have been most involved in the deals. Link [here](#).

**SPOTTED:** Senior EPA and Interior officials speaking at the Congressional Western Caucus' Winter Roundtable. EPA officials attending included senior policy advisor Mandy Gunasekara and senior advisor Albert Kelly, while the Interior officials were special assistant to the secretary Marshall Critchfield and adviser Amanda Kaster-Averill. Picture [here](#).

**MOVER, SHAKER:** Christopher Smith, former assistant secretary for fossil energy at DOE during the Obama administration, has joined Cheniere as senior vice president for policy, government and public affairs.

## QUICK HITS

- Interior secretary pushing controversial road project. [CNN](#).
- Environmental groups file lawsuit to try to block pipeline. [AP](#).
- Koch-Backed Business Group Splinters in Climate-Change Dispute. [Bloomberg](#).
- Lawmakers, groups urge fast deployment of Asian carp defense. [AP](#).
- Power Failure: How utilities across the U.S. changed the rules to make big bets with your money. [Post and Courier](#).
- Kuwait oil minister: exit strategy of global cuts to be discussed before June. [Reuters](#).

## HAPPENING THIS WEEK

### MONDAY

8:00 a.m. — Axios hosts a discussion on energy policies and priorities under Trump, Newseum, Knight Studio, 3rd Floor, 555 Pennsylvania Ave NW

9:30 a.m. — "[Bridging the Entrepreneurial Gap: Addressing Barriers to Small Business Formation and Growth](#)," House Small Business Agriculture, Energy, and Trade Subcommittee, Deerfield, Ill.

### TUESDAY

10:00 a.m. — "[Update on the Corporate Average Fuel Economy Program and Greenhouse Gas Emissions Standards for Motor Vehicles](#)," House Energy and Commerce Environment and Digital Commerce and Consumer Protection Subcommittees, Rayburn 2123

10:00 a.m. — Senate Energy and Natural Resources Committee [hearing](#) on energy

infrastructure projects, Dirksen 366

2:00 p.m. — "[Examining Consequences of America's Growing Dependence on Foreign Minerals](#)," House Natural Resources Energy and Mineral Resources Subcommittee, Longworth 1324

2:30 p.m. — "[National Ocean Policy: Stakeholder Perspectives](#)," Senate Commerce Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee, Russell 253

## WEDNESDAY

10:00 a.m. — "[Oversight of the Nuclear Regulatory Commission](#)," Senate Environment and Public Works Committee, Dirksen 406

10:00 a.m. — House Natural Resources Committee holds [markup](#) of 16 bills, Longworth 1324

10:15 a.m. — "[The Impacts and Future of North American Energy Trade](#)," House Energy and Commerce Energy Subcommittee, Rayburn 2322

2:00 p.m. — "[Advancing Solar Energy Technology: Research Trumps Deployment](#)," House Science, Space and Technology Energy Subcommittee, Rayburn 2318

## THURSDAY

9:30 a.m. — House Natural Resources subcommittee [hearing](#) on the Grand Staircase Escalante Enhancement Act, Longworth 1334

## FRIDAY

9:00 a.m. — "[The Trump Administration, Latin America and Energy: Mexico, Natural Gas and Liquid Natural Gas Exports](#)," Inter-American Dialogue, National Press Club, 529 14th Street NW, 13th Floor

10:00 a.m. — Bipartisan Policy Center hosts [discussion](#) with former FERC Chairman Neil Chatterjee, 1225 Eye Street NW, Suite 1000

## THAT'S ALL FOR ME!

*To view online:*

<https://www.politicopro.com/newsletters/morning-energy/2017/12/zinke-defiant-amid-helicopter-controversy-046343>

## Stories from POLITICO Pro

**Zinke booked government helicopters to attend D.C. events** [Back](#)

By Ben Lefebvre | 12/07/2017 06:31 PM EDT

Interior Secretary Ryan Zinke spent more than \$14,000 on government helicopters this summer to take himself and staff to and from official events near Washington, D.C., in order to accommodate his attendance at a swearing-in ceremony for his replacement in Congress and a horseback ride with Vice President Mike Pence, according to previously undisclosed



official travel documents.

The travel logs, released to POLITICO via a Freedom of Information Act request, show Zinke using taxpayer-funded vehicles from the U.S. Park Police to help accommodate his political events schedule.

In a case detailed in the new documents, Zinke ordered a U.S. Park Police helicopter to take him and his chief of staff, Scott Hommel, to an emergency management exercise in Shepherdstown, W.Va., on June 21.

Zinke's staff justified the \$8,000 flight by saying official business would prevent him leaving Washington before 2 p.m., too late to make the two-hour drive to the exercise, according to the documents.

The event that prevented Zinke from leaving before 2 p.m. was the swearing-in ceremony for Rep. Greg Gianforte (R-Mont.), according to Zinke's [official Interior calendar](#). Gianforte, who won a special election for Zinke's old seat in May after assaulting a reporter, contributed along with his wife \$15,800 to Zinke's two congressional campaigns.

"Secretary Zinke's last engagement in Washington D.C. is at 2 p.m.," an Interior staffer wrote as justification for using the helicopter. "Driving to [the West Virginia event] would not enable him to be on time and fully participate as scheduled."

Interior defended the trips.

"The swearing in of the Congressman is absolutely an official event, as is emergency management training," Interior spokeswoman Heather Swift said in an email Thursday. "Shame on you for not respecting the office of a Member of Congress."

Zinke also ordered a Park Police helicopter to fly him and another Interior official to and from Yorktown, Va., on July 7 in order to be back in Washington in time for a 4 p.m. horseback ride with Pence. The trip cost about \$6,250, according to the documents.

The horseback ride through Rock Creek Park also included Sen. Roy Blunt (R-Mo.) and CMS Administrator Seema Verma, according to a [post](#) on Pence's Facebook page.

While in Yorktown, Zinke completed a walking tour of the local Revolutionary War battlefield and attended a boating industry roundtable discussion, according to the documents. The day before the trip, an Interior trip planner added to the schedule a 30-minute flyover of an area where Dominion Energy [is building](#) high-voltage electric transmission lines to run across the James River.

Interior officials originally estimated that driving to Yorktown would take about three hours, although one noted that "there is a major construction project on I-64, which will slow things down."

In an email to Interior travel scheduler Tim Nigborowicz, an Interior employee justified Zinke's using the helicopter instead of less expensive method by saying "the Secretary will be able to familiarize himself with the in-flight capabilities of an aircraft he is in charge of" and that the Park Police staff on board would "provide an added measure of security to the Secretary during his travel."

Interior officials certified ahead of the flight that Zinke's use of the helicopter would not compromise law enforcement obligations.

The Park Police helicopter, [Eagle One](#), is deployed for medevac and emergency response situations around Washington, a part of its mission Zinke praised later that month.

"U.S. Park Service helicopter pilot and crew provided a life-saving medevac flight during the attack on members of Congress during baseball practice," Zinke said in the July 25 [video](#) celebrating American Heroes Week.

The former Montana congressman and Navy SEAL is [already being investigated](#) by the Interior Department's Inspector General and the independent Office of Special Counsel for his [mixing of official travel and political events](#). Interior earlier this year released records documenting Zinke's use of charter and military aircraft, including a \$12,000 flight from Las Vegas to Montana that allowed him to give a speech for a hockey team owned by a major campaign donor.

*To view online [click here](#).*

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## **Zinke attacks reporting on helicopter rides [Back](#)**

By Ben Lefebvre | 12/09/2017 10:18 PM EDT

Interior Secretary Ryan Zinke on Saturday attacked POLITICO's coverage of his use of \$14,000 in taxpayer-funded helicopter rides in the D.C. area — but offered no facts that contradicted the [story](#) that ran Thursday.

"Here are the [#facts](#) the DC media refuses to print," Zinke said in a [statement](#) on his official Twitter account. "Recent articles about official Interior Department helicopter usage are total fabrications and a wild departure from reality."

His statement went on to note — as POLITICO's story had said — that the trips in question had included a visit to an emergency management exercise in West Virginia and a flyover of a power line project in Virginia.

Zinke also defended a separate helicopter flight last summer over two national monuments in Nevada. POLITICO had [reported](#) in September on that flight, which Interior Department documents said cost at least \$40,000.

POLITICO's reporting was based on records that the Interior Department had released under the Freedom of Information Act. Zinke's travels got more attention Friday in a [follow-up story](#) by The Associated Press that mentioned all the helicopter trips.

In his statement Saturday, Zinke wrote: "On these instances, I conducted an aerial survey of a million acres of federal monument lands, an aerial survey of power line project which was under scrutiny for possible compensatory migration corruption from the previous administration, and a national comment authority directed emergency response exercise." He added that all his trips "were thoroughly vetted and scrutinized."



Zinke's tweet came as prominent Democrats criticized his use of U.S. Park Police helicopters to fly between Washington, D.C., and the events in West Virginia and Virginia. The use of the speedy aircraft also allowed him to fit in two events in D.C. — a horseback ride through Rock Creek Park with Vice President Mike Pence, and the swearing-in ceremony of Rep. Greg Gianforte (R-Mont.), Zinke's successor in the congressional seal and a donor to Zinke's past campaigns.

Senate Environment and Resources Committee ranking member Maria Cantwell (D-Wash.) said [in a tweet](#) Friday that she had asked Interior's inspector general to add the helicopter flights to [its investigation](#) of the secretary. The IG's office is already looking into Zinke's past mixing of official business with political events, including his use of a charter flight after speaking to the Las Vegas professional hockey team owned by a major donor.

In one of the flights POLITICO wrote about this week, Interior's staff at first approved Zinke's use of a Park Police helicopter to travel to a July 7 meeting of boating industry representatives in Yorktown, Virginia. Days later, it added an overview of a proposed high-voltage transmission line site to the same trip.

In justifying the use the helicopter, Interior's staff said on June 29 that it was needed to ensure he could make it back to D.C. in time for his "official event" with Pence. The Park Service approved the request on July 1, and Interior staff added the transmission line site review to the itinerary on July 6, according to official emails. The helicopter trip cost about \$6,250.

"Following his visit to Yorktown, Secretary Zinke must return to Washington D.C. to attend an official event with Vice President Mike Pence at Rock Creek Park," an Interior staffer said in a July 4 email.

Earlier, Zinke and his chief of staff, Scott Hommel, used a helicopter to fly from the capital to attend an emergency management exercise in Shepherdstown, West Virginia, on June 21. Interior staff justified the flight by saying Zinke needed to attend Gianforte's swearing-in in Washington earlier in the day. That flight cost \$8,000.

"Scott confirmed that we would like to use the helicopter to go round trip," Zinke's special assistant Caroline Boulton wrote in a June 16 email to department schedulers.

Interior spokeswoman Heather Swift had defended the flights in an email POLITICO published Thursday: "The swearing in of the Congressman is absolutely an official event, as is emergency management training," she wrote. "Shame on you for not respecting the office of a Member of Congress."

According to official Interior documents, Zinke also used a Bureau of Land Management helicopter on July 30 to survey the Gold Butte and Basin and Range national monuments outside Las Vegas as part of the national monument review President Donald Trump had tasked him with. Zinke proposed reducing the size of both monuments.

*To view online [click here](#).*

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## **FEC fines Zinke campaign committee** [Back](#)

By Ben Lefebvre | 12/08/2017 05:50 PM EDT

The Federal Election Commission fined Interior Secretary Ryan Zinke's congressional campaign committee \$3,929 for failing to properly disclose contributions it received just before the 2016 election, according to [commission documents](#) released this week.

The 18 donations to Zinke for Congress came less than two weeks before Election Day and totaled \$37,900, according to the FEC case file. FEC regulations calls for all donations of more than \$1,000 made in the final weeks of an election cycle to be reported within 48 hours, a deadline the FEC said Zinke's campaign committee missed. The Montana Republican was reelected to the state's lone House seat last year before stepping down to join President Donald Trump's Cabinet.

Zinke for Congress Treasurer Lorna Kuney in a written response to the FEC in September attributed the mistake to a data entry error that she said was "truly just an unfortunate mistake" and asked the fine be dropped. The FEC declined her request, and Kuney paid the fine in October, according to the case file, which was made public Thursday. The document was first [reported](#) by the Center for Public Integrity's Dave Levinthal on Twitter.

The FEC last month in a separate case [asked](#) a leadership PAC established by Zinke, SEAL PAC, to explain discrepancies in its disclosure filings, including reporting \$200,000 more cash on hand on Jan. 1, 2017, than it reported having a day earlier.

**What's Next:** SEAL PAC has until Dec. 26 to respond to the FEC's questions about discrepancies in its reports.

*To view online [click here](#).*

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## **FERC's McIntyre presses for time** [Back](#)

By Eric Wolff | 12/08/2017 04:26 PM EDT

New FERC Chairman Kevin McIntyre is hoping to give himself and his new colleagues a month to weigh their options before making a decision that could rewire large parts of the nation's electric grid.

McIntyre [asked the Department of Energy](#) late Thursday for another 30 days for him and the four other FERC commissioners to address Energy Secretary Rick Perry's request to alter power market rules to support struggling coal and nuclear power plants in the name of bolstering grid resiliency.

FERC is unlikely to either fully reject or adopt outright the proposal from Perry that calls for power plants that keep 90 days of inventory on site to receive full cost recovery — a requirement that only coal and nuclear power plants could meet. Instead, FERC observers said the agency could buy time by calling for a technical conference, or considering a plan such as the one The Energy Daily reported was being crafted by Commissioners Cheryl LaFleur and

Rob Powelson to seek input through a "Notice of Inquiry" to regional power grid operators to report back on the resilience of their power networks and what could be improved.

Former Chairman Neil Chatterjee has hoped to help generators by putting an interim measure in place to support power plants facing closure while the commission sought a permanent solution, but that plan appeared to lack the support among the other commissioners.

DOE had asked FERC to take action by Monday, but McIntyre's request for more time could indicate there's no consensus among the five commissioners on what to do.

"We said (earlier this week) that if there weren't three votes for something, the issue could sit until there were," said Christi Tezak, managing director at analytics firm ClearView Energy Partners. "It appears to us that McIntyre would like to explore something between Chatterjee's preference for an interim solution and the LaFleur-Powelson NOI angle. This is something we thought was a reasonable outcome."

DOE has not yet replied to McIntyre's letter.

Perry's proposal has drawn broad criticism as a carve out that would cost power customers billions of dollars and was designed to support the [coal industry](#) in the PJM Interconnection, and the mining company run by coal magnate [Bob Murray](#) in particular.

Powelson, a Republican appointed by President Trump, has been vocally opposed to the proposed DOE rule. The plan that he and LaFleur have crafted would reportedly close the current DOE docket and open a new one that seeks input from grid managers — an idea that could create a long delay before any action was taken.

McIntyre's request for more time could create problems for Murray Energy, which has emphasized the need for a speedy outcome: One of Murray's top customers, FirstEnergy Solutions, is considering bankruptcy, which could be the first step to closing some big coal plants. But Murray Energy said it was not concerned with a possible 30-day delay.

"We believe that the sooner this rule is implemented, the better it will be for the American people," a spokesman said. "With that said, this extension request is a matter between FERC and Secretary Perry, and we defer to their judgment."

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**FERC's McIntyre presses for time [Back](#)**

By Eric Wolff | 12/08/2017 04:26 PM EDT

New FERC Chairman Kevin McIntyre is hoping to give himself and his new colleagues a month to weigh their options before making a decision that could rewire large parts of the nation's electric grid.

McIntyre [asked the Department of Energy](#) late Thursday for another 30 days for him and the four other FERC commissioners to address Energy Secretary Rick Perry's request to alter power market rules to support struggling coal and nuclear power plants in the name of bolstering grid resiliency.

FERC is unlikely to either fully reject or adopt outright the proposal from Perry that calls for power plants that keep 90 days of inventory on site to receive full cost recovery — a requirement that only coal and nuclear power plants could meet. Instead, FERC observers said the agency could buy time by calling for a technical conference, or considering a plan such as the one The Energy Daily reported was being crafted by Commissioners Cheryl LaFleur and Rob Powelson to seek input through a "Notice of Inquiry" to regional power grid operators to report back on the resilience of their power networks and what could be improved.

Former Chairman Neil Chatterjee has hoped to help generators by putting an interim measure in place to support power plants facing closure while the commission sought a permanent solution, but that plan appeared to lack the support among the other commissioners.

DOE had asked FERC to take action by Monday, but McIntyre's request for more time could indicate there's no consensus among the five commissioners on what to do.

"We said (earlier this week) that if there weren't three votes for something, the issue could sit until there were," said Christi Tezak, managing director at analytics firm ClearView Energy Partners. "It appears to us that McIntyre would like to explore something between Chatterjee's preference for an interim solution and the LaFleur-Powelson NOI angle. This is something we thought was a reasonable outcome."

DOE has not yet replied to McIntyre's letter.

Perry's proposal has drawn broad criticism as a carve out that would cost power customers billions of dollars and was designed to support the [coal industry](#) in the PJM Interconnection, and the mining company run by coal magnate [Bob Murray](#) in particular.

Powelson, a Republican appointed by President Trump, has been vocally opposed to the proposed DOE rule. The plan that he and LaFleur have crafted would reportedly close the current DOE docket and open a new one that seeks input from grid managers — an idea that could create a long delay before any action was taken.

McIntyre's request for more time could create problems for Murray Energy, which has emphasized the need for a speedy outcome: One of Murray's top customers, FirstEnergy Solutions, is considering bankruptcy, which could be the first step to closing some big coal plants. But Murray Energy said it was not concerned with a possible 30-day delay.

"We believe that the sooner this rule is implemented, the better it will be for the American people," a spokesman said. "With that said, this extension request is a matter between FERC and Secretary Perry, and we defer to their judgment."

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## **Bob Murray had early access to Rick Perry to share coal plan [Back](#)**

By Eric Wolff | 12/07/2017 05:30 PM EDT

Coal magnate Bob Murray pitched Energy Secretary Rick Perry on his plan to throw an economic lifeline to coal companies less than a month before Perry set in motion plans to aid the industry, according to newly disclosed photographs that show the two meeting.

The liberal magazine [In These Times](#) obtained pictures of Murray and Perry from a March 29 meeting at Energy Department headquarters, less than a month after Perry was [sworn in](#). Several other officials were in attendance, including Andrew Wheeler, who at the time was a lobbyist for Murray and has since been nominated as the Environmental Protection Agency's No. 2 official.

The meeting puts Murray and Perry together at a crucial moment in the timeline of the Trump administration's push to save the struggling coal industry, an effort that would benefit Murray Energy in particular while raising electricity prices for potentially millions of people. A month before the meeting, one of Murray's biggest customers, FirstEnergy, told investors it was seriously considering seeking bankruptcy protection for its merchant division, FirstEnergy Solutions, a move that would likely void its supply contracts with Murray's coal mines.

Three weeks after Murray's visit, Perry would order a grid study that later became part of the justification for a proposed rule to reward coal and nuclear power plants for providing "grid resiliency." FERC, which has jurisdiction over the proposal, must make a decision on it by Monday.

At the time of the meeting, Wheeler was [already the leading candidate](#) to become the deputy administrator for EPA. Wheeler, who represented Murray as a lobbyist for Faegre Baker Daniels, would not be officially nominated for months. Wheeler, who has acknowledged participating in meetings on Murray's coal plan at DOE and on Capitol Hill, cleared committee last week and is awaiting Senate confirmation.

Murray is an outspoken supporter of President Donald Trump and held a fundraiser for him during the 2016 campaign.

DOE did not dispute the validity of the photos.

"Industry stakeholders visit the Department of Energy on a daily basis," DOE spokeswoman Shaylyn Hynes said, when asked about the meeting. "The DOE proposal to FERC was about the future and resiliency of the nation's power supply, an issue much bigger than one industry or company."

The photographs show Perry sitting at the head of a table in the Department of Energy, with Bob Murray, CEO of Murray Energy, to his left, and Wheeler down the table from Murray.

"Enclosed is an Action Plan for achieving reliable and low cost electricity ... and to assist in



the survival of our Country's coal industry, which ... power grid reliability and low cost electricity," Murray writes in a cover letter to Perry, parts of which are visible in one photo from the meeting.

Though the document has never been publicly released, DOE critics say Murray's plan appears to have inspired DOE's grid study and the proposed rule Perry sent FERC in September. Copies are visible at the seats of most of the participants, including Perry and Murray. Wheeler, who told members of the Senate Environment Committee he had only seen the memo briefly, is not holding a copy in the photos obtained by In These Times. Murray [told](#) Greenwire in November he "didn't have any involvement" in writing the rule.

Murray has acknowledged sharing the plan with Trump.

"I gave Mr. Trump what I called an action plan very early," Murray said in a recent [PBS Frontline](#) documentary on EPA. "It's about three-and-a-half pages and — of what he needed to do in his administration. He's wiped out page one."

A spokesman for Bob Murray said that during the March 29 meeting, Murray did not discuss the DOE's proposed rule, and he added that he was not involved in drafting Perry's proposal.

The meeting appears to have been successful for all. One of the photos shows Perry and Murray in a big bear hug.

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**Brown: Trump doesn't fear 'wrath of God'** [Back](#)

By Brent D. Griffiths | 12/10/2017 07:00 PM EDT

California Gov. Jerry Brown slammed President Donald Trump as a man who is not afraid of "the wrath of God."

"I don't think — President Trump has a fear of the Lord, the fear of the wrath of God, which leads one to more humility," Brown said in an interview airing Sunday on "60 Minutes" on CBS. "And this is such a reckless disregard for the truth and for the existential consequences that can be unleashed."

In the past, Trump has called climate change a hoax pushed by the Chinese.

Brown, a four-term governor of the state, said California is "not waiting for the deniers" as it confronts its most destructive wildfire season on record and prepares for what may become the new normal.

An outspoken advocate on the subject, Brown was among a handful of blue-state politicians who promised to stay the course of combating climate change even after Trump withdrew the United States from the Paris climate accord, saying it was not good for the country. Brown called that notion "preposterous."

"I'd say to Mr. Trump: Take a deeper look now is not the time to undo what every country in the world is committed to," Brown said.

On this and other issues, Brown argued that his state's reputation as being a Democratic bastion that is far out of touch with the rest of America is simply incorrect. Instead, he said,, California is America's future; it just arrived sooner than everyone else — with Brown specifically pointing to states like Ohio, Wisconsin, Michigan and Pennsylvania where Trump won just enough votes to win the White House.

"There's more confidence here; there's less fear. People are looking to the future," Brown said. They're not scared, they're not going inward, they're not scapegoating, they're not blaming — Mexican immigrants. They're not blaming the stranger Just the opposite. it's is a place that's alive."

As for his future, Brown told "60 Minutes" that he is looking forward to retiring in 2019 and spending time on his ranch north of Sacramento.

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## **EPA announces 21 Superfund sites to prioritize [Back](#)**

By Emily Holden | 12/08/2017 04:13 PM EDT

EPA has named 21 Superfund sites on its [priority list](#) for cleanup.

The list follows [recommendations](#) from a task force convened this summer. Administrator Scott Pruitt had previously said he would make a top-10 list of sites that needed the most attention.

"The list is designed to spur action at sites where opportunities exist to act quickly and comprehensively," EPA said in a press release. "The Administrator will receive regular updates on each of these sites."

There are more than 1,300 of the toxic waste sites around the country, and environmental advocates have [warned](#) that prioritizing just a few may take resources away from others and allow Pruitt to provide resources in states run by his political allies.

The new list includes sites in red states but also in New England and on the West Coast. It includes the San Jacinto Superfund site in the Houston area, which was damaged by flooding during Hurricane Harvey. EPA has already ordered two companies to pay \$115 million for cleanup efforts there.

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